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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/005,628

12/05/2001

Harold J. Plourde JR.

A-7446

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06/30/2006

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,628	PLOURDE, HAROLD J.	
	Examiner	Art Unit	
	Tammara R Peyton	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 and 57-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 and 57-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/8/06, 6/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-45 and 57-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Rakib, (US 2002/0019984).

As per claim 1-45 and 57-60, Rakib teaches a file allocation method for a hard disk drive comprising the steps of:

receiving a request to allocate hard disk space of a defined size for a buffer file (inherent);

allocating clusters for the buffer file (inherent) from a plurality of clusters on the hard disk, wherein the clusters for the buffer file store media content instances (temporary storage for current non-recorded broadcast); and

designing a portion of the clusters of the buffer file for at least one non-buffer file such that the non-buffer file is permitted to simultaneously share the portion of the cluster with the buffer file. (Rakib, Abstract, pgs. 2-18)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-45 and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre et al., (US 6,678,463) and WO/92/22983, filed as prior art.

As per claim 1-3, 16, 23-27, 40, and 57-60, Pierre teaches a file allocation method for a hard disk drive comprising the steps of:

receiving a request to allocate hard disk space (second storage area) of a defined size for a buffer file (obvious);

allocating clusters (first storage area) for the buffer file (obvious) from a plurality of clusters on the hard disk, wherein the clusters for the buffer file store media content instances (temporary storage for current non-recorded broadcast); and

designing a portion of the clusters of the buffer file for at least one non-buffer file (permanent storage) such that the non-buffer file is permitted to share the portion of the cluster with the buffer file.

Pierre teaches a file allocation system method wherein disk space is allocated for temporary media content instances. Pierre defines media content instances has a

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television program the viewer is currently watching. The current television program is stored in a temporary defined buffer space of a circular buffer. If during the television program is viewer decides to record the program then a semi-permanent storage area (non-buffer file) is allocated to record the remaining television program. After conclusion of the television program what was stored in the temporary buffer space is linked and combined/copied into the semi-permanent storage area to form a contiguous recording. Pierre teaches using a data structure that would be used to keep track of the temporary and semi-permanent divisions. Pierre teaches keeping track of segments (file sharing count) of the buffer file and saving or deleting elements of the buffer file. In another embodiment, Pierre teaches wherein the contents of the buffer may remain in the buffer and the buffer will be logically re-mapped into the temporary area or out of the semi-permanent area. It would have been obvious to one of ordinary skill at the time the invention was made that Pierre teaches a common disk storage area including storage segments including a buffer file of the circular buffer, wherein portions of the buffer file is allocated for temporary instances and semi-permanent recordings. It would have been obvious to one of ordinary skill that clusters are part of a storage segment of common disk storage. Pierre teaches sharing a link between the temporary area and the semi-permanent area during recording and copy/playback of the recorded television program. Therefore, it would have been obvious to one of ordinary skill that storage segments of the buffer file taught by Pierre includes sharing a link between different storage areas (temporary/semi-permanent) of the buffer file. However, Pierre does not teach wherein the the non-buffer file is permitted to simultaneously share the portion of the cluster with

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the buffer file. Nonetheless, WO 92/22983 teaches audio/video recorder system that receives a plurality of transmissions wherein some of those transmission include television programs. WO 92/22983 that simultaneously stores selected programs inputted from multiple sources wherein non-buffer data is permitted to simultaneously share space with other buffer data. (WO 92/22983, pgs. 1-33 and Figs. 1-14) It would have been obvious to one of ordinary skill at the time the invention was made to implement WO 92/22983's method that enable a system to simultaneously stores selected programs inputted from multiple sources wherein non-buffer data is permitted to simultaneously share space with other buffer data because doing to would a user to mix multiple stored programs into a composite form. (WO 92/22983, pgs. 1-5)

As per claims 4-6, 17-19, and 28-30, Pierre teaches wherein the non-buffer files are used for permanent recordings and the permanent recordings can be deleted and the space is converted to write-able.

As per claims 7-15, 20-22, 31-39, 41-45, Pierre teaches the use of data structures for keeping track of the temporary and semi-permanent divisions that obviously including filenames and starting/ending sectors. Further, Pierre teaches file allocation data structures for pre-programmed timer events, therefore Pierre obviously teaches storing the media instances with a normal play time value.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (571) 272-4156. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window

Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202 Crystal Park II, 2121.

TAMMARA PEYTON
PRIMARY EXAMINER

Tammara Peyton

June 21, 2006

